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Response of the European Union on Return Directive and Readmission Agreements (RDRAs) on Nigerian Irregular Migrants

Introduction

Return Directive and Readmission Agreements (RDRAs) are external frameworks designed by the European Union (EU) for controlling and managing migration with non-European countries. RDRAs outlined the procedures and measures for returning and readmitting irregular migrants to their countries of origin (de Bruycker et al., 2016; Slagter, 2019; European Asylum Support Office, 2020). Directive 2008/115/EC adopted by the European Parliament and of the Council emphasised on common standard and procedures among member states for returning illegally staying migrants based on fair and transparent procedure in voluntary compliance or enforced on countries of origin and transit in accordance with the principle of non-refoulement of international law which is related to migrants' fundamental rights (European Union, 2008)².

In 2017 and 2018, several new proposals and changes were recommended in the 2008 return directive with the aim to remove obstacles and inconsistencies that hinder effective return, ensure rapid return procedures in order to increase the overall EU return rate and prevent absconding and secondary migration (Koch et al., 2018; Slagter, 2019). Some of the major factors that led to the introduction of RDRAs are not limited to increase in the number of irregular migrants through forging of passport to travel by air or road with traffickers and smugglers. For example, Kastner (2010, p. 22); Kuschminder et al. (2012) and Laczko et al. (2017) were of the opinion that agents of smuggling and trafficking networks that facilitate and arrange migration to Europe are particularly located in the southern region of Edo and Lagos states in Nigeria.

Readmission agreements are regarded as informal cooperation which involve return of irregular migrants in exchange for economic incentives such as training skills for the returnees and stipends to start up some businesses, liberalization of legal migration policy such as quick facilitation of visa for skilled migrants, businessmen and stu-

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² The Directive 2008/115/EC claimed that a least of universal process of legal safeguard on decisions related to return should be introduced to ensure effective protection of the interest of the individual concerned. The required legal aid should be accessible to those who lack sufficient resources and that legislation should be provided by member states for cases of legal aid that should be considered necessary.

dents (Malakooti, 2015; Latek, 2019). In contrast to return directive which form part of EU formal procedures for returning irregular migrants whether based on enforced or voluntary compliance, readmission agreements are less strict bilateral agreements used for strengthening migration cooperation by ensuring speedy and sustainable return of irregular migrants. The basic assumption here is that while return directive serves as stick to be used for the consequences of irregular migration, readmission agreements are form of carrot or conditionality given to non-EU members based on migration cooperation to accept return of irregular migrants. For example, the 2000 and 2010 Cotonou Agreements of EU with African, Caribbean and Pacific (ACP) states contained specific obligation that binds these states to accept and readmit without any formalities, their nationals who are residing without authorisation in the EU or who have crossed its territory illegally (Commission of the European Communities, 2006; Akkerman, 2018). Although the Cotonou Agreement was initially due to expire in February 2020, its provisions have been extended until 30 November 2021, unless the new partnership agreement between the EU and the ACP countries is provisionally applied or enters into force before that date.

Existing literature on the performance of RDRA are not uncommon. Focussing on the recast of the return directive from the viewpoint of efficiency and fundamental rights protection, Majcher, Strik (2021, p. 115) were of the view that the recast would barely advance the efficiency of return and may violets the fundamental rights of people in an irregular circumstances. In spite of a weak human rights record Panizon (2012) examined whether the French agreements on management of immigration flow and partnership development (AJMs) are better placed to manage readmission of non-EU nationals. Findings from the study showed that the AJMs do not compare to EURAs, particularly because of the wider issue connection they put forward and the conditionality between labour market access and readmission they establish. Based on this backdrop, there cannot be an exclusive EU competence over readmission. The analysis of Trauner, Kruse (2008) claimed that while European visa facilitation and readmission agreements are profitable for the citizens of the targeted countries, the positive achievements are undermined by the Schengen enlargement, which makes the new member states tie up their borders to those of their neighbours. Findings from the study of Adepoju et al. (2010) showed that most of the EU migration agreements with Africa including Nigeria reflect the agenda of the EU which serves to legitimise policy measures that limit and keep migration under control, and that the benefits of these agreements to the Africa partners, such as increased levels of development aid rarely reflect a fundamental interest to eradicate poverty.

Using Gambia, Nigeria, Niger, and Senegal as a case study in West Africa, Zanker et al. (2019) examined the challenges in EU-African migration cooperation perspectives on enforced return. The study found that while improving cooperation on return and readmission of West African migrants has been the central focus of the EU in recent years, return numbers remain low. The study found that the issue of return, and in particular enforced return, is highly sensitive in West Africa countries because cooperation with EU member states on return may impaired the legitimacy of government in these countries. Studies from Kervyn, Shilhav (2017); Castillejo (2017) and Carbone (2017) claimed that RDRA adopted in Nigeria, Senegal and Mali, for manag-

ing migration based on reciprocity of returning migrants in exchange of development projects and visa facilitation have been criticised as a result of lack of compliance from these countries who view emigration to Europe as household strategy to escape poverty and increase remittance flow. For example, Malakooti (2015); Latek (2019) and the World Bank (2019) showed that remittance to Nigeria contributes to financial flow of the economy which exceeds official development aid.

While most of the existing literature on EU RDRAs focused on holistic rather than country-specific findings, there are inadequate empirical studies in relation to Nigerian irregular migrants. Therefore, the need to interrogate EU RDRAs on Nigerian irregular migrants necessitates this study. The objectives of the study are to appraise the EU RDRAs on Nigerian irregular migrants and examine the challenges of RDRAs on Nigerian irregular migrants. Due to the nature of the study which cannot be readily quantitatively measured, the study adopted qualitative research design through Individual In-depth Interviews (IDIs). This method involves the collection of texts, interviews, observations and documentary evidence and subsequently analysing them based on content analysis and descriptive method. The IDIs were conducted in 2021. This study covers the period of 2015 and 2020. The rationale for the choice of 2015 is based on the fact that Nigeria formally adopted National Migration Policy (NMP) in 2015 to manage migration based on return, readmission and reintegration of Nigerian irregular migrants. The year also witnessed reformation and extensive inclusion of EU frameworks on external migration as a result of migration crisis where Nigerian nationals constituted the largest number of irregular migrants that arrived Europe or drowned in Mediterranean Sea (European Commission, 2015). Also, 2020 was chosen based on the emergence of Coronavirus Disease (COVID-19) pandemic which restricted migration across the world.

Apart from contributing to the existing body of knowledge in the area of international relations and migration governance, the study provides information on the functionality or otherwise of EU RDRAs on Nigerian irregular migrants. As one of the major countries of origin with the highest number of irregular migration to Europe, this study would provide information for diplomats, bureaucrats and government officials on the methods and measures of controlling and managing irregular migration from Nigeria to Europe. In addition, the study conceptualised migration, regular and irregular migration as well as RDRAs. The study also reviews relevant literature on Nigerian irregular migration to Europe. Subsequent sections focused on the study area and methodology, appraisal of EU RDRAs on Nigerian irregular migrants and the challenges of RDRAs on Nigerian irregular migrants follow by the conclusion.

Regular and Irregular Migration

The difference between regular and irregular migration is not always obvious. Regular migrant, for example, can enter a country legally but becomes irregular migrant immediately the visa expires. Migrants who enter or reside in a country illegally on the other hand, can obtain legal residency through work permit or marriage regularisation and become regular migrant. However, this study conceptualised irregular and regular migration by focusing on the actual migration process. Irregular migration in a broad

sense means crossing borders without authorization or breaching entry requirement into another country, whereas regular migration is the movement across the borders through valid travelling documents and in compliance with migration regulations of origin and destination countries (Jordan, Düvell, 2002; Kari et al., 2018, pp. 55–57).

Irregular migration is defined as unlawful entrance, stay, or work in a country, meaning that such migrant lack the documentation needed to do so in accordance with immigration laws of the destination country (Reitano et al., 2014). According to Vollmer (2011) irregular migration typically refers to the crossing of a state border without legal permission. In other words, irregular migrants are those who are present in a destination country but are not authorized to be there, either because they lack valid residence permission or they have overstayed their permit. Many paths to irregular migration include illegal border crossings, overstaying visa periods, working in violation of visa conditions, being born into irregular migration and remaining in a destination country after negative asylum request (Kastner, 2010, p. 20; Idio et al., 2015, pp. 32–35). Irregular migrants are, by definition, unregistered and invisible to authorities. Uehling (2004, p. 93) and Ikuteyijo (2013) identified three ways irregular migrants can enter a country:

- i. clandestine entry into a country with fraudulent documents or entry into a country with smugglers or traffickers;
- ii. entering with permission but exceeding the permission; and
- iii. asylum seekers whose application for a residence permit have been denied and refused to leave.

Koser (2010, p. 190) defined irregular migration as the act in which a person without acceptable passport or travel documents, cross an international border, and failure to fulfil prerequisites administratively for leaving the country of origin. Individuals' migration decisions are shaped by various circumstances including political and economic instability, deteriorating environment and the role played by traffickers and smugglers in sourcing information for migrants (Cummings et al., 2015). In addition, Adepoju (2011, p. 8) and Idrissa (2018) claimed that several factors such as weakness in border control or migration policy in countries of origin and transit, contradictions in legislation and administrative rules in the countries of destination which traffickers and smugglers take advantage also contribute to irregular migration. Other arguments put forward on the factors that impel irregular migration include the emergence of globalisation as well as bilateral free trade agreements and absence of legal alternative routes (Koser, McAuliffe, 2013; Düvell, 2014).

Regular migration is the movement that complies with the law of the countries of origin, transit and destination. Regular migration is regarded as a safe and legal ways of moving from one state to another. It is the migration option that allows eligible and documented individual to migrate legally to a country of destination for a variety of reasons for a period of time determined by the countries of origin and destination (Jordan, Düvell, 2002). Regular migration occurs within the frameworks of law governing the movement of individuals. As argued by Clemens, Gough (2018) regular migration routes are often regarded as a tool for reducing complex or irregular migration, and issuing residence permits is one of the ways in which emigrants acquire legal entry into a country. According to the European Commission (2015) regular migration is defined

as the mobility that complies with the regulatory frameworks of both the origin and destination countries. It is the entry or stay of emigrant in a destination country with valid authorisation or documentations required by immigration regulations. Therefore, in exercise of sovereign rights enshrined in the international law and treaties, regular emigrant must be respected and protected in the destination country.

Regular migration represents an important aspect of a state internal and international policy formulated and implemented by state institutions and relevant non-governmental organisations. Regular migration is part of national sovereignty that directly relates to the composition of national migration (Czaika, Hobolth, 2014). Besides conditions and eligibility criteria, regular migration is considered in a broader context because of its impact on individual wellbeing and state welfare. Supporting this position, Adeola, Oluyemi (2012, pp. 1–2); Zanker (2017) and Tisdall (2017) opined that discourse on migration has generated reactions on the belief that uncontrolled or irregular migration may result to rising unemployment, xenophobia and terrorism which could jeopardize public order and state sovereignty. To this effect, states include migration policy in their national development strategies and regional development agendas. In essence, regular migration is the procedure involved in legal migration and preventing irregular migrants from crossing national border through the combination of border patrol, visa policies, sanctions and deportation. Therefore, regular migration refers to the legislative frameworks and procedures designed to control migration and safeguard the rights of migrants (Czaika, de Haas, 2013, p. 496).

Return Directive and Readmission Agreements (RDRAs)

Returning migrants who do not have the legal right to reside in Europe is an important part of the EU overall efforts to reduce irregular migration, as well as the functioning of the asylum system. According to Juncker (2018) this will serve as deterrent for migrants embarking on dangerous and complex journeys to Europe, as well as reducing the incentives for irregular migration. The return directive which was adopted on December 16 2008 (Directive 2008/115/EC) by the European Parliament and of the Council established common process of returning irregular migrants whether in voluntary compliance or enforced to countries of origin or transit in conformity with fundamental rights (European Council, 2008; European Commission, 2017). This implies that the return directive is relevant to non-EU nationals who are staying illegally or do not meet the requirements for entry, stay, or residence in Europe. However, migrants who have applied for asylum in EU member states cannot be considered to be staying illegally in Europe until the application is denied (European Commission, 2018). As described by the European Commission (2015a) and Majcher, Strik (2021, p. 118) the return directive is critical for preserving public trust in the EU asylum system by protecting those in need of asylum through relocation and resettlement, as well as procedural safeguards for migrants to appeal after negative asylum request.

The purpose of return directive is to increase return rate of irregular migrants in Europe in respect to fundamental rights and human dignity. According to Slagter (2019) and Majcher, Strik (2021, p. 120) return directive enhance efficient removal and repatriation

of irregular migrants in accordance with common standards and in humane and dignified manner. The return directive is implemented in accordance with international human rights standards (United Nations refugee Convention and Protocol on the Principle of Non-Refoulement), as well as the EU Charter on fundamental rights (European Convention for the Protection of Human Rights and Fundamental Freedoms) (United Nations High Commissioner for Refugees, 1951; European Council, 2008). In essence, the EU return directive establishes specific legal safeguards to ensure the effective protection of migrant rights throughout the entire return process. As stated by European Commission (2017) 27 EU member states, as well as Schengen associated member states of Switzerland, Norway, Iceland and Liechtenstein make use of the return directive.

The European Council (2011) posits that the return directive is based on administrative and judicial decisions and applies to individuals who have been denied refugee status and subsidiary protection or whose international protection status has been withheld, reversed, stopped, or refused to be renewed and continue to live in EU member state in violation of immigration law. According to the European Commission (2018) return directive focuses on two essential elements: a statement concerning the illegality of the stay; and the imposition of an obligation to return. As stated by the European Asylum Support Office³ (2016) the return directives are listed in three steps which entail the obligations for member states to:

- 1) order a return decision which is followed by an entry ban for returnees;
- 2) provide a period of voluntary departure (7–30 days) that may not be granted or reduced under certain conditions; and
- 3) take all necessary steps to enforce the return decision through removal, which may be delayed if it would violate the principle of non-refoulement or if an appeal against the return decision is filed.

Voluntary return of irregular migrants is still preferred over enforced return. Voluntary return is cost-effective and helps consolidate the reintegration of returnees in their home countries (European Commission, 2015a). Voluntary return also helps to overcome unwillingness of some African countries to cooperate on the return of their nationals and enable the EU to provide funding for the returnees such as reintegration, social and job supports which are commonly called Assisted Voluntary Return and Reintegration (AVRR) (European Migration Network, 2015). When migrant fail to return to home country voluntarily, return is enforced. European Commission (2018) claimed that enforced return requires member states to issue a return decision to any migrant who is staying illegally in EU territory. Article 8(1) of the Directive 2008/115/EC adopted by the European Parliament and of the Council states that member states must take all necessary measures to enforce the return decision if no period for voluntary departure has been granted or if the obligation to return has not been met within the period in which voluntary departure has been granted (European Union, 2008). In order to achieve enforce return, member states use detention in semi-closed facilities or placement of irregular migrants under electronic surveillance as a legitimate measure of last resort, where it is necessary to prevent migrants from fleeing to other member states (European Commission, 2015).

³ The European Union Agency for Asylum (EUAA) has now replace the European Asylum Support Office.

Readmission agreements are EU bilateral economic cooperation with the countries of origin and transit to accept the return of irregular migrants. According to Adepoju, van Noorloos and Zoomers (2010, p. 55) readmission agreements require African countries to accept irregular migrants in exchange for economic assistance and in accordance with international standards for the protection of migrants and trafficked persons' rights. Slagter (2019) posited that readmission agreements generally define the obligations and procedures for returning irregular migrants and those who have received negative asylum decision in exchange for advantageous policies like visa liberalisation or financial incentives and support for migration management with the non-EU countries. The basic assumption of readmission agreements is that cooperative behaviour of countries of origin and transit with EU in relation to the readmission of rejected asylum seekers or irregular migrants are to be rewarded with visa liberalisation, economic assistance and access to legal migration (Kipp, Koch, 2018). Contrary to this policy, the EU found difficulties in reaching formal agreements with third countries, particularly those whose populations rely on remittances from diasporas. For example, the EU had reached formal readmission agreements with Cape Verde in 2013, while other major origin and transit countries agreements especially with Morocco in 2000, Algeria in 2002 and Nigeria in 2016 were not concluded (Slagter, 2019).

Beyond appropriate standard and procedures, EU RDRA depend on a well-integrated organisation of migration cooperation and development established by the EU for non-EU countries. The consular offices in EU member states are to provide migrants with information about their rights and obligations, to ensure the humane treatment of victims of human trafficking during repatriation, and to assist in providing capacity-building and institutional support to government agencies in the countries of origin responsible for combating human trafficking (Nwogu, 2006, pp. 32–33; European Commission, 2017). In essence, EU RDRA are holistic policies that involve return of irregular migrants based on common procedures and financial incentive on migration management including capacity building for the immigration and law enforcement officials and social services for the non-EU countries to manage return case.

Trends and Pattern of Nigerian Irregular Migration to Europe

Studies showed that Nigerians constitute major share of irregular migration from Central Mediterranean routes that stretches towards Niger, Sahara Desert, Libya and Mediterranean Sea (Malakooti, 2015; International Organisation for Migration, 2017). Because of insecurity in Yobe, Maiduguri and Chad, migrants make use of routes in Zamfara, Jigawa, Kastina, Kano or Sokoto states and link Niger to Sahara Desert and Libya before crossing the Mediterranean Sea to reach Europe. Although Lagos-Benin Republic route is also relatively free of insecurity to some extent, the long distance journey makes it undesirable for migrants. The Niger route is often used as shortest distance to Europe unlike the long distance journey in the Western Mediterranean routes from Morocco. Table 1 showed different travelling routes used by Nigerian irregular migrants to reach Europe with the Central Mediterranean being the highest and most popular routes.

Table 1

Major Travelling Routes and Migration Hubs used by Nigerian Irregular Migrants to Reach Europe

| S/N | Libya Routes (Central Mediterranean) Migration Hubs are Represented in Brackets | Morocco Routes (Western Mediterranean) Migration Hubs are Represented in Brackets |
|-----|---|---|
| 1 | From take off point in Kano (Tashar Kuka) to Niger (Agadez and Bilma) linking Sahara Desert to Libya (Sabha) and crossing Mediterranean Sea to Italy in Lampedusa or Malta | From Lagos to Benin Republic (Cotonou) to Bukina Faso (Ouagadougou) to Mali (Gao) linking Sahara Desert to Algeria (Tessalit, Adrar Maghnia and Oujda) and the Strait of Gibraltar overland to Spain in Ceuta and Mellila |
| 2 | From take off point in Kano (Tashar Kuka) to Maiduguri or Yobe to Chad in N'Djamena (Faya-Largeau) linking Sahara desert to Libya (Sabha) and crossing Mediterranean Sea to Italy in Lampedusa or Malta | From take off point in Kano (Tashar Kuka) to Niger (Zinder, Agadez) linking Sahara desert to Algeria (Arlit, Tamanrasset, Ghardaia, Maghnia and Oujda) and crossing the Strait of Gibraltar overland to Spain in Ceuta and Mellila |
| 3 | From take off point in Kano (Tashar Kuka) to Maiduguri or Yobe and on to Chad in N'Djamena (Faya-Largeau) linking Sahara Desert to Libya (Kufra and Benghazi or Zliten) and crossing Mediterranean Sea to Italy in Lampedusa or Malta | From Lagos to Benin Republic (Cotonou) and Bukina Faso (Ouagadougou) to Mali (Gao and Mopti) and on to Bamako, Dakar and Nouakchott in Mauritania (Nouadhibou and Zouerat) linking Morocco (Laayoune and Tarfaya) and crossing Canary Island of Spain or moving toward (Agadir, Casablanca and Tangier) and crossing the Strait of Gibraltar overland to Spain in Ceuta and Mellila |
| 4 | From Lagos to Benin Republic, (Cotonou) to Bukina Faso (Ouagadougou) to Mali (Gao) linking Sahara Desert to Algeria (Tamanrasset and Djanet) to Libya (Sabha) and crossing Mediterranean Sea to Italy in Lampedusa or Malta | |

Source: Author's compilation based on sources from International Organisation for Migration, 2017; Malakooti, 2015.

The journey is fragmented with many stopovers which also involve substantial risk of death as well as physical and psychological abuse before and upon arrival in Europe. Sickness (39%) is the leading cause of death of migrants, followed by vehicle accidents (20%), violence (13%), drowning (13%), and starvation or dehydration (7%) (Beber, Scacco, 2018). The trafficking or smuggling agents (middlemen) who resides in Benin City or Lagos prepare all the initial arrangement of the trip from Nigeria to Europe and in most cases, migrants are duped by agents, especially when they fail to pay the smugglers the full amount. Kazeem (2018) stated that duped migrants are detained, chained and flogged and the only way to regain freedom is to call their family or friends to pay for ransom and if ransom is not paid, smugglers sell off migrants in car parks, garages, and in public square in Libya as slaves to make up for their loss and get a minimum benefit.

The first part of the journey, the exit from Nigeria to Niger is the least risky part of the journey to Europe. The International Organisation for Migration (2017a) claimed that due to its geographical location which connect West and Central Africa with North Africa, migrants that ply Niger route do so within the context of their circumstances as they generally manipulate or fake their identities so as to continue

with the journey. As a result of this, many migrants pay bribes to the gendarmes at the Niger border which maybe higher than expected (Malakooti, 2015; Frontex, 2017). According to the United Nations Office on Drugs and Crime (2017) smugglers and traffickers are mostly responsible for facilitating migration to Europe by providing services such as transportation, falsified documents, bribery of border officials, and other settlement services.

The city of Agadez in Niger is one of the most popular transit hubs for migrants and smuggling network (*Passeur*) operating in the city. The United Nations Office for the Coordination of Humanitarian Affairs (2016) noted that about 4,000 undocumented migrants pass through Agadez every week. The structure of smuggling network is hierarchically organised with ghetto boss at the top who owns large ghetto compound where migrants are lodge temporarily and a number of vehicles like the white Toyota Hilux cars and cargo trucks which are used to transport migrants to various migration hub. The ghetto boss is responsible for logistics, financial arrangements to keep the entire network functioning and also provide infrastructure and facilitate services for transiting migrants (Frontex, 2017). Other components of smuggling agents who helps the ghetto boss in the process of migration include chasseurs who recruit arriving migrants into the compound of ghetto boss from the bus station, fixers are those that travel behind the smuggling convoy with motorbike, and are responsible for paying bribes and extortion fees to security officials at various checkpoints on behalf of the boss, while drivers are former tour guides who had established contact with the ghetto boss and own a vehicle for smuggling operations and also handle transportation between the city and cross-border destination (Frontex, 2018).

The journey of weeks or months in Sahara Desert is one of the risky parts of the journey. According to Kazeem (2018) the Desert covers about 31% of Africa and a distance of 3.6 million square miles with vast expanse of sand and dirt. In Sahara Desert, migrants experience persistence starvation and dehydration as provisions are not sufficient enough for the journey which leads to body deformity, unhealthy lifestyle as well as death. The Mixed Migration Monitoring Mechanism Initiative (2016) stated that more migrants are likely to perish when crossing the Sahara Desert than when crossing the Mediterranean Sea. Not all migrants survive the journey in Sahara Desert, as some are either kidnapped or considered as mere merchandise. The armed Tuaregs and Berber groups often use the Desert routes as kidnapping for ransom and recruitment into militias especially for male victims, while the women are considered as wives to the warlords or sold to 'madam' in brothels as prostitute (Bodunde, 2016).

Migrants who survive their stay in Sahara Desert are connected to another trafficking agents (*buger*) in Libya that continue the journey from there to Sabha, Tripoli and Sabratha, a coastal town in Libya where migrants are lodged temporarily in a ghetto compound, waiting for the period when the rain generally reduce in July and August to enable the vessel balance on the sea (Kazeem, 2018). As one of the transit countries in North Africa, Libya is fundamental because of its geographical frontier especially when crossing the Mediterranean Sea to Southern Europe of Italy or Malta. Although the Morocco routes (see table 1) gained prominence in the early 2000s, recent development particularly since 2015 showed that Nigerian nationals constitute largest number of migrants *en route* from Libya to Italy (Kirwin, Anderson, 2018). Nigerian migrants

live and work in some part of region in Libya, particularly along the coastal line to make enough money to finance the remaining part of the journey to Europe (Teppert, Rossi, 2020).

With the assistance of smugglers who later turn back in the midway before reaching the Italian waters, one of the migrants who had been instructed on how to operate the motor is given a compass to navigate through the sea. A Thuraya satellite phone with exceptional signal strength is given to the migrants to dial an emergency number immediately they cross the Italian waters (Kazeem, 2018). Because of the precarious situation where migrants are smuggled on rubber, toy or small fishing boats that often capsized, including poor lifesaving and rescue equipment, migrants drown before the EU or international aids rescue mission officials reach them (Toaldo, 2015; Frontex, 2018). Table 2 showed the number of deaths of Nigerian migrants in the Mediterranean Sea. Migrants apprehended by the Libyan coast guards are locked in detention or deported in inhumane circumstances. The Human Right Watch (2018) argued that Italy increasingly enable Libyan coast guard to take command of operations in Mediterranean Sea with evidence of inhumane treatment of migrants in detention centres.

Table 2

**Estimated Number of Arrival and Death of Nigerian Migrants
in the Mediterranean Sea**

| Year | Arrival to EU Via Mediterranean Sea | Recorded Deaths in Mediterranean Sea | Ratio Deaths |
|-----------------------|-------------------------------------|--------------------------------------|---------------|
| 2015 | 1,012,179 | 3,785 | 1:267 (0.37%) |
| 2016 | 363,401 | 5,143 | 1:71 (1.42%) |
| 2017 | 172,152 | 3,139 | 1:55 (1.82%) |
| 2018 (1 Jan–30 April) | 34,133 | 606 | 1:56 (1.78%) |

Source: Adapted from Akkerman (2018).

Nigerian irregular migrants comprised of different ethnic groups including the educated and those that lack formal education. Hernandez-Coss, Egwuagu (2007) and Kastner (2010, pp. 22–23) maintained that the Ibo (southeast), Yoruba (southwest) as well as the Edo and Ogoni ethnic groups (south-south) are likely to migrate to Europe. Reports from International Organisation for Migration (2017) showed that 11.5% of migrants that arrived Italy had no education, 47.5% had secondary education follow by primary education with 31.5%, tertiary education 5.5% and vocational education 3%. With respect to age, the bulk of Nigerian irregular migrants to Europe are largely made up of youths with about 96.5% within the age of 14–35 years and only 0.1% older than 45 years. Ikuteyijo (2020) maintained that category of people in this age group are likely mobile because they are not married and have the strength to migrate, as opposed to older people who are likely to be married and have more responsibilities and less strength to resist the rigor of migration. Malakooti (2015) further maintained that migration to Europe is often considered as household strategy especially among young men who are expected to fend for their family and maximise earnings.

Table 3
Nigerian Nationals Illegally Present in the European Union Member States from 2015 and 2020

| Year | Number of Irregular Migrants |
|------|------------------------------|
| 2015 | 14,580 |
| 2016 | 16,390 |
| 2017 | 15,120 |
| 2018 | 14,460 |
| 2019 | 13,650 |
| 2020 | 7,995 |

Source: Adapted from Eurostat (online data code: migr_eipre).

Table 3 showed that out of the share total in 2020, 7,995 of Nigerian migrants were found to be illegally present in the EU. The COVID-19 pandemic may have reduced the number of irregular migrants, migration to Europe continued to gain prominence as a result of economic decline which further places Nigerian migrants in high vulnerability to human trafficking. The lockdown which significantly increases poverty and unemployment rate exacerbated the urgency of potential migrants to seek the help of smugglers who advertise on social media, and that border restriction also increases the cost of smuggling which invariably increases migrant vulnerability as a result of discovery of other risky routes (Schofberger, Rango, 2020). While COVID-19 pandemic may have caused delay in migration to Europe as a result of lockdown, border restriction and inadequate fund to finance the journey, Seefar (2021) noted that potential migrants are determined to save money to migrate with the assumption that migrants are needed in Europe to stabilise the workforce as a result of millions of death from COVID-19 pandemic which consequently increase labour shortage and job opportunities in Europe.

As a result of change of government which emphasised on stiffer national migration policies, irregular migrants that ply through the Central Mediterranean route to Libya often face strict opposition from Italy. Kazeem (2018) and Winter (2018) claimed that existing government in Italy (new right-wing) have continued to refuse rescued ship carrying migrants from docking at Italian ports. In accordance with the EU naval rescue mission, rescued migrants automatically disembark at any close European ports of Italy, Spain, Malta and Greece. These are EU countries that are majorly affected with migration pressure and crisis because of their proximity with African transit countries. However Italian government had requested for the review of the EU naval mission so that other EU states can also open their ports to accept rescued ship carrying migrants (Riegert, 2018).

Consequent upon this and for the most part that Spain now allows rescue mission carrying migrants to dock in its shore, trafficking and smuggling agents now divert migrant’s journey to the route that link Mauritania to Algeria and Morocco before crossing the Mediterranean Sea to Spain. Connor (2018) claimed that over 28,000 arrivals of migrants are recorded in Spain Canary island from January to August 2018, compared with 20,000 arrival from Central Mediterranean route. This is an indication that restrictive measures on migration do not deter irregular migration, but rather result in the discovery of risky alternative routes to reach Europe.

Study Area and Methodology

The study was conducted in Lagos and Edo states, as well as the Federal Capital Territory (FCT) Abuja. The rationale for the selection of the study areas was based on the location and accessibility to European Union, international, national and non-governmental organisations related to migration, as well as the predominance of trafficking agents that facilitate migration to Europe.

Purposive sampling technique was adopted for this study. Purposive sampling is a non-probability sampling method which allows for selection of few respondents to represent the entire population of the study. A sample size of 7 expert respondents was purposively selected for Individual In-depth Interviews (IDIs) from the EU delegation to Nigeria and ECOWAS in Abuja, European External Action Service, Frontex, International Organisation for Migration and Idia Renaissance. Others include respondents from the Nigerian Immigration Service and the National Agency for the Prohibition of Trafficking in Persons. The choice of selection of respondents was based on adequate knowledge and experience on EU and Nigeria migration related issue. The IDIs was conducted in 2021. The study covers the period of 2015 and 2020.

Table 4

Distribution of the Selected Organisations that Participated in the Interview

| S/N | Category | Designation | Number in Subcategory | Total |
|-----|--|--|-----------------------|----------|
| 1 | European Union officials on migration | European Union Delegation to Nigeria and ECOWAS European External Action Service Frontex | 1 1 1 | 3 |
| 2 | Nigerian security officials on migration | Nigeria Immigration Service | 1 | 1 |
| 3 | Nigerian experts on Migration | National Agency for the Prohibition of Trafficking in Persons | 1 | 1 |
| 4 | International organisation on migration | International Organisation for Migration | 1 | 1 |
| 5 | Non-governmental organisation on migration | Idia Renaissance | 1 | 1 |
| | Total | 7 | 7 | 7 |

Source: Author’s compilation.

The study relied on primary and secondary sources of data collection. Primary data were gathered through Individual IDIs which is primarily useful in providing robust individual perspective on the question asked. Secondary data were sourced from textbooks, journals, articles, newspapers, seminar papers, government and international organisation publications and reports, and internet materials. Data collected were analysed through the use of content analysis and descriptive method. Content analysis is the process of making informed deductions and inferences from the position expressed by the respondents aimed at achieving the objectives of the

study (Krippendorff, 2004). The study also made use of descriptive method through the presentation of official data on Nigerian irregular migration to Europe as well as data on EU RDRAs that captured Nigeria irregular migration.

Appraisal of Return Directive and Readmission Agreements on Nigerian Irregular Migrants

Unsuccessful asylum decision in the first place means that migrant can appeal for the second time and once the appeal decision is negative, the process of return decision is activated in which migrant will be return to home country in humane and dignified treatment and in line with fundamental rights. The agencies responsible for organising and coordinating return operations in collaboration with countries of origin and transit includes the national border guards of EU member states as well as the International Organization for Migration. RDRAs is one of the priorities of the EU to reduce irregular migration which is based on the principle of non-refoulement of international law and EU Charter of fundamental rights which states that migrants must not be returned to a country where there is a serious risk of death penalty, torture, inhuman or degrading treatment. To achieve this purpose, various funds such as the European Return Fund (ERF), Asylum, Migration and Integration Fund (AMIF), Fund for European Aid to the Most Deprived (FEAMD) and the European Regional Development Fund (ERDF) are set aside to facilitate return of both voluntary and enforced migrants to their countries of origin or non-EU countries (R1, 2021).

From the above postulation, return of migrant can be voluntary or enforced. According to the European Migration Network (2015) EU in collaboration with the International Organisation for Migration provides Assisted Voluntary Return and Reintegration (AVRR) for migrants who voluntarily return to their countries of origin. Unlike enforced return that is not associated with AVRR and where irregular migrants are likely detained, escorted and deported to the airport in Nigeria or non-European countries, voluntary return has been considered as the preferred option because of some benefits such as rehabilitation and counselling, training skills like fashion designing, shoe making, fish farming and other financial assistance that support the reintegration of migrants to their community to start a purposeful life (R2, 2021). Also, voluntary return is cost-effective and discourages secondary and new irregular migration to Europe (R3, 2021).

Table 5

Types of Return in 20 European Union Member States in 2020

| Country | Total Number of Return | Voluntary Return | Enforced Return |
|----------|------------------------|------------------|-----------------|
| 1 | 2 | 3 | 4 |
| Hungary | 3,410 | 0 | 3,405 |
| Slovenia | 8,510 | 100 | 80 |
| Denmark | 1,130 | 30 | 1,105 |
| Italy | 2,815 | 225 | 2,590 |

| 1 | 2 | 3 | 4 |
|---------------|---------------|---------------|---------------|
| France | 8,445 | 930 | 7,515 |
| Bulgaria | 310 | 65 | 245 |
| Greece | 7,005 | 2,565 | 3,520 |
| Croatia | 1,515 | 640 | 880 |
| Slovakia | 415 | 220 | 195 |
| Ireland | 335 | 195 | 135 |
| Belgium | 2,900 | 1,765 | 1,135 |
| Luxembourg | 175 | 115 | 60 |
| Malta | 380 | 260 | 120 |
| Austria | 5,005 | 3,700 | 1,305 |
| Czechia | 960 | 755 | 205 |
| Sweden | 4,930 | 3,955 | 970 |
| Poland | 8,230 | 7,105 | 175 |
| Estonia | 1,045 | 945 | 100 |
| Latvia | 910 | 870 | 40 |
| Liechtenstein | 70 | 70 | 0 |
| Total | 58,425 | 24,440 | 24,560 |

Source: Adapted from Eurostat (online data code: migr_eirt_vol).

The table 5 showed that the number of enforced return (24,560) is higher than the number of voluntary return (24,440). In any case, the number of enforced return in Hungary (3,405), Denmark (1,105), Italy (2,590), France (7,515) and others outnumber the rate of voluntary return in these respective countries. Further explanation on the reason why Nigerian irregular migrants experience enforced return after negative asylum decision revealed that:

Nigerian irregular migrants experience enforced return based on the failure of not leaving EU after the period of notification of voluntary return between 7 to 30 days, and it could be extended in specific circumstances as stated in Article 7(1) of the return directive regulation of European Union of 2008. Because of the intention to abscond before the deadline notification, some migrants renege in fulfilling certain obligation such as frequent reporting to the authorities and submission of documents. With the assistance of smuggling agents who provide fake paper permit, they cross overland to other EU countries (R4, 2021).

These migrants are later apprehended by security agents while crossing from one European state to the other as devices installed and technological facilities used in EU borders could detect forged documents and illegal border-crossing (Eurostat, 2014; Obi-Ani, Obi-Ani, Isiani, 2020, p. 9). For these migrants and those that threatens public security such as drug traffickers and criminals, it was argued that EU makes use of detention as last resort to ensure compliance from them (R2, 2021). It was further corroborated that enforced return permit detention of returnees for a minimum of six months, which could be extended to 18 months based on certain conditions such as lack of cooperation and delay in obtaining necessary documents from the country of origin, as well as delay in the EU's deportation arrangement process (R3, 2021). Detention must be carried out in a dignified manner and in respect to fundamental rights (R1, 2021). Corroborating this view, European Commission (2017) claimed that de-

tention must be ordered and written, stating the reasons and fact by administrative or judicial authorities and must be subjected to judicial review and redress upon request to avoid unlawful detention or unreasonable removal of migrants in EU.

The conditions of Nigerian irregular migrants who experience enforced return from the EU were clearly observed thus:

Thousands of Nigerian irregular migrants have been deported from Italy and Spain over allegations of immigration default, drug trafficking and prostitution. To protect the integrity of the migrants, they are escorted by the policemen through the back doors and corridors of the airport. Some migrants are deported to transit countries like Niger and Libya by the EU especially when it is difficult to identify their nationality. Also, some migrants preferred to be deported to these countries as a deliberate act to avoid humiliation from families and friends in Nigeria (R5, 2021).

EU had initiated readmission agreements with Nigeria and other third world countries to accept irregular migrants in exchange of visa facilitation and other developmental projects. Buttressing this position, it was observed that readmission agreements is based on the notion that for every irregular migrant accepted by non-EU countries, there is a form of simplify process and increase in visa issued to regular migrants (R1, 2021). Another readmission agreement is the issuing of European Humanitarian Visa (EHV) for migrants in need of international protection. The EHV emphasised on the important of EU member states to issue humanitarian visas through embassies and consulates abroad for migrants seeking protection in EU territory without risking their lives in complex journey to Europe (European Parliament, 2018a; Van Ballegooij, Navarra, 2018).

Similarly, the readmission agreement which originated from 1997 Amsterdam Treaty was based on the argument that for a successful and effective EU return and readmission agreement, cooperation and incentive based on reciprocity with non-European countries is fundamental (R2, 2021). Since its establishment, Nigeria, Senegal and Mali have been incorporated into the readmission agreements while Guinea has continued to renege on the agreement (R1, 2021). Some of the readmission agreements with Nigeria include promotion of legal migration to Europe by offering more relaxed travel conditions and facilitating the issuing of visa especially for high-skilled migrants, businessmen and those who want to study in Europe (Castillejo 2017; Kervyn, Shilhav, 2017). More so, voluntary returnees are also assisted through various EU programme such as monthly stipend, training skills and other rehabilitation and counselling programme.

However, it was revealed that some Africa countries including Nigeria have been reluctant to engage in negotiation on readmission agreements partly due to political consideration. Explicitly, it was stated thus:

While the EU agreements on readmission with Cape Verde in 2013 was successful, those with Morocco in 2000, Algeria in 2002 and Nigeria in 2016 were not concluded as a result of the lack of willingness on the part of the majority of the African government to fulfill their promises on readmitting their nationals who have been categorised as irregular migrants in Europe. Against this backdrop, the expectation of the EU was to make use of informal readmission agreement in 2016 as an operating procedure to secure commitment on return and readmission of irregular migrants. Moreover, earlier 2000 Cotonou agreement revised in 2005 and 2010 which bind the African, Caribbean and Pacific states with EU

(ACP-EU) Nigeria inclusive to accept return of their irregular nationals without formalities was further reinforced and has continued to be the operating procedure of EU to return Nigerian nationals who are illegally present in the territory of EU member states (R4, 2021).

In essence, the 2000 Cotonou agreement and the 2016 informal readmission agreements provided the necessary conditions for the EU to secure commitment and cooperation of Nigeria on return directive without any form of formalities, an equivalent effect to increase the return rate of irregular migrants. Meanwhile, informal readmission agreement has been criticised in the sense that it is antithetical to the principle of democracy and judicial accountability as adequate procedures are lacking which can jeopardise the rights of migrants and that the exclusion of the country of origin in the return process could make it less effective and draconian (R6, 2021). At the same time, individual EU member states have also formed bilateral agreements with Nigeria on the readmission of irregular migrants. For example, there was such bilateral agreements between Italy in 2000 and Spain in 2001. The reason why EU member states engaged in bilateral agreements with Nigeria and other non-EU countries on the readmission of their irregular migrants is subject to the fact that few return decisions are enforced by the EU. However, bilateral readmission agreements encourage greater cooperation from non-EU countries in readmitting irregular nationals who have been ordered to leave but fail to do so voluntarily and also enable EU member states to use the national legal framework on migration to ensure efficient return of irregular migrants (R1, 2021). Corroborating this viewpoint is the notion that smuggling and trafficking networks often capitalise on the fact that handful return decisions are enforced and to this end, they continued to facilitate irregular crossing of migrants to EU (R4, 2021). This is reflected in the table 6 which showed the number of returned and unreturned Nigerian irregular migrants where out of 12,849 migrants that were ordered to leave from 2014–2018, only 3,216 were effectively returned which represents 25%, while 9,633 irregular migrants were not returned to Nigeria.

Table 6

Number of Returned and Unreturned Irregular Migrants in European Union Member State between 2014 and 2018

| Country | Total Number of Return Decision | Returned delete Irregular Migrants | Unreturned Irregular Migrants | (%) of Effective Rate |
|-------------|---------------------------------|------------------------------------|-------------------------------|-----------------------|
| Afghanistan | 29,544 | 3,924 | 25,620 | 13% |
| Syria | 26,992 | 1,793 | 25,199 | 7% |
| Morocco | 33,097 | 9,810 | 23,287 | 30% |
| Pakistan | 24,237 | 7,294 | 16,943 | 30% |
| Iraq | 24,683 | 7,924 | 16,759 | 32% |
| Algeria | 20,711 | 4,245 | 16,466 | 20% |
| Nigeria* | 12,849 | 3,216 | 9,633 | 25% |
| Tunisia | 11,908 | 2,814 | 9,094 | 24% |
| India | 15,283 | 7,480 | 7,803 | 49% |
| Bangladesh | 10,197 | 2,426 | 7,771 | 24% |
| Guinea | 7,511 | 291 | 7,220 | 4% |

Source: Adapted from Economic Commission for Africa, based on Eurostat data

The arrival of returnees and deportees at the Nigerian airport often follow a procedural administration by the institutions and organisations who are delegated for this purpose including the Nigeria Immigration Service (NIS), National Agency for the Prohibition of Trafficking in Persons (NAPTIP), International Organisation for Migration and the National Commission for Refugees, Migrants and Internally Displaced Persons (NCRMID) and other certified local non-governmental organisations. Further explanation on the administrative procedure of receiving returnees and deportees at the airport was stated thus:

We are usually informed to prepare to receive deportees and returnees from Europe. The process of receiving the voluntary returnees and the deportees is a routine activity whereby each agency knows its role. Upon arrival, these individuals are guided and organised in a queue to walk through the back gate of the airport after which they are ordered to a particular shelter or hangar. While the deportees are left to themselves to find their way out of the airport, voluntary returnees queued to be screened by the NIS to actually determine their identity and by the government health officials to determine their health implications while the IOM officials fill out forms on behalf of the returnees. NAPTIP officials also screened the female returnees to determine if they had fallen victim to forced sex trafficking. The NCRMID prepare for hotel where voluntary returnees will lodge for just one night and help them to travel back to their state of origin or temporarily host them in government shelters, and after which they have access to IOM reintegration programme (R7, 2021).

In essence, the RDRAs is a migration framework of the EU to return migrants who are not granted asylum or those found leaving in EU illegally without valid documents, as well as those apprehended for engaging in drug peddling, trafficking, smuggling and other criminal activities. However, differences exist between the voluntary returnees and deported migrants. While voluntary returnees are assisted through the AVVR initiatives such as entrepreneurial skills, counselling and rehabilitation and some form of cash to start a purposeful life in Nigeria, deportees and enforced returnees are left to their own fate without any form of assistance.

Challenges of European Union's Return Directive and Readmission Agreements on Nigerian Irregular Migrants

The EU RDRAs on Nigerian irregular migrants have been criticised based on unequal relation that the EU set for Nigerian government concerning the readmission of irregular migrants. It was observed that the readmission agreements can be view as a carrot and stick method that may not solve the issue of returning irregular migrants to Nigeria. Some of the conditionality attached to readmission agreements including visa liberalisation and promotion of regular migration to Europe by offering more relaxed travel conditions are only applicable for highly-skilled migrants and businessmen, a situation that has been described as brain drain for Nigeria and brain gain for the EU (R6, 2021). Moreover, the RDRAs have negative impact on the decision of irregular migrants to return to Nigeria because they are less likely to leave Europe when they know it will

be difficult to go back due to the entry ban that accompany the return directive, and that most of the returns are not done in compliance with the laid down regulation as some Nigerian irregular migrants are return to countries of transit (R3, 2021). Corroborating this viewpoint, it was observed that while Frontex chartered flight that carry irregular migrants to Nigeria has been monitored to avoid diversion to another countries, the period of COVID-19 pandemic witnessed unmonitored flights in such a way that certain chartered flight that departed from European countries arrived at different airport in West Africa countries like Gambia and Ghana rather than Nigeria (R7, 2021).

Another challenge of RDRAs is the lack of common procedure of EU to promote effective return which has led to different bilateral agreements by EU member states with Nigeria on the return of irregular migrants. It was stated that the lack of EU to organise effective return and prevent migrants absconding propel some member states like Spain, Italy, Germany and France to enter into bilateral agreements with Nigeria on the return of irregular migrants in exchange of development aid and security (R3, 2021). This viewpoint is based on the notion that EU lack common interest in promoting RDRAs for Nigerian irregular migrants because some of the EU member states had already established their own sources of influence and do not consider much value in EU collective approach in the return of Nigerian irregular migrants, as they can operate more rapidly with greater flexibility through bilateral relations (R1, 2021).

It was observed that some EU member states do not abide by the 6 months or maximum 18 months detention of enforced irregular migrants awaiting deportation, as they are detained longer than expected, a situation that violate human rights. In other words, Nigerian irregular migrants experience prolonged detention and deportation in some EU member states. Further argument revealed that:

In some EU countries like Greece, Spain and France, Nigerian irregular migrants experience prolong detention and must pay for the return ticket and certain amount of fine before they are deported. Migrants are not allowed to take any of their belongings, as they are deported solely without any personal luggage or properties. Some migrants are deported to transit countries like Niger and Libya where they also experience prolong detention in the hand of security officials and made them face various form of abuse including rape and daily torture. After prolong detention and abuse, some migrants are return to the desert with no hope of surviving (R2, 2021).

There is also a situation where irregular migrants are stigmatised upon arrival at Nigeria international airport especially by the security officials, and also among families, friends and communities they belong. It was revealed that there is a little difference between enforced returnees and voluntary returnees. The enforced returnees faces stigmatisation as they arrive Nigeria international airport especially from the police who disperse and treat them as unfortunate individuals and eventually left to their own fate to sort themselves. While voluntary returnees are given some form of assistance, they also faces stigmatisation from family, friends and the host communities who view them as waster of life who could have improve their economic standard through remittances, and returning back to Nigeria without anything is regarded as a sign of failure (R7, 2021). Even after counselling and rehabilitation, getting a job in Nigerian labour market may be difficult for the returnees because if employers are aware that they are

returnees from Europe, they are view as those that may defraud the company or not capable to adapt to Nigerian system (R5, 2021).

In addition to stigmatisation, the Nigeria economic and COVID-19 pandemic situation has worsen the plight of the returnees, as they find it difficult to adapt to Nigerian economic reality even with the assistance rendered to them. The argument is that while the implementation of the AVRR seems to be successful, the effect is too small to compensate for the huge amount of money that irregular migrants paid to traffickers and smugglers who bankrolled their trip to Europe. In a way to make up for the loss, some female returnees engage in prostitution while the male among them engage in criminal activities such robbery and drug peddling. For others, embarking on complex journey to Europe again may be the preferred option (R6, 2021).

It was also argued that the government of Nigeria has done little or nothing to assist the returnees. The government has been working as an appendage to the programme set up by the EU and IOM, and there is no particular programme established by the government for the voluntary returnees or enforced returnees to start a new life. Lack of federal government to establish home grown programmes for the returnees is one of the major reasons why the returnees fall back to irregular migration, as most of the EU and IOM programmes are inadequate to cater for the lager population of voluntary returnees (R7, 2021). Similarly, total exclusion of the enforced returnees from EU and IOM programmes also encourage irregular migration. Since this group of migrants are not rehabilitated, counselled or engaged in entrepreneurial skills that will make them adapt to economic situation in Nigeria, enforced migrants are likely to engage in criminal activities or find a way to migrate irregularly back to Europe (R5, 2021).

Conclusions

This study appraised the EU RDRAs on Nigerian irregular migrants and examined the challenges of the RDRAs on Nigerian irregular migrants. The RDRAs of the EU become focus of discussion in the literature as a result of vulnerabilities that irregular migrants encountered in their complex journey to Europe which include sexual exploitation and torture from traffickers, prolong detention and victimisation from security officials, as well as death, especially when crossing Sahara Desert and Mediterranean Sea. In essence, the purpose of RDRAs is to limit the enticement for irregular migration, increase the rate of return of irregular migrants, prevent absconding and ensure proper functioning of the asylum system.

Findings from the study showed that two types of return exits; voluntary return and enforced return. Voluntary returnees are provided with AVRR while enforced returnees are not provided with AVRR, and they are likely detained, escorted by the policemen through the back door and corridor of the airport and deported to Nigeria or transit countries. EU readmission agreements with Nigeria also include offering relaxed travel and visa requirements based on the condition of readmitting irregular migrants. However, findings showed that the conditionality attached to readmission agreements are only applicable for high-skilled, students, and businessmen, a situation that has

been described as brain drain for Nigeria and brain gain for the EU, and that the EU lack common interest in the return of Nigerian irregular migrants. More so, findings showed that irregular migrants are less likely to leave Europe when they know it will be difficult to return to Europe due to the entry ban that accompany the return directive, and that most returns are not done in compliance with the laid down regulation, as some Nigerian irregular migrants are return to countries of transit which violet the principle of EU RDRAs. The study concluded that EU RDRAs are restrictive in nature which consequently provides alternative routes for secondary migration of Nigerian irregular migrants in EU countries.

Bibliography

- Adeola G. L., Oluyemi F. O. (2012), *The Political and Security Implications of Cross Border Migration between Nigeria and her Francophone Neighbours*, "International Journal of Social Science Tomorrow", vol. 1.
- Adepoju A. (2011), *Reflections on International Migration and Development in Sub-Saharan Africa*, "African Population Studies", vol. 25, no. 2.
- Adepoju A., van Noorloos F., Zoomers A. (2010), *Europe's Migration Agreements with Migrant-Sending Countries in the Global South: A Critical Review*, "International Migration", vol. 48, no. 3.
- Akkerman M. (2018), *Expanding the Fortress: The Policies, the Profiteers and the People Shaped by EU's Border Externalisation Programme*, Transnational Institute, Amsterdam.
- Beber B., Scacco A. (2018), *Can the Provision of Information or Economic Benefits Prevent Irregular Migration? Preliminary Design for a Field Experiment in Nigeria*, WZB Berlin Social Science Centre.
- Bodunde D. (2016), *The Story of a Trafficked Nigerian Woman. Ships and Ports*, <https://shipsandports.com.ng/from-libya-with-tears-the-story-of-a-trafficked-nigerian-woman/>, 20.09.2021.
- Carbone G. (2017), *Out of Africa: Why People Migrate*, Ledizioni Ledi Publishing.
- Castillejo C. (2017), *The EU Migration Partnership Framework: Time for a Rethink?*, Discussion Paper, German Development Institute.
- Clemens M., Gough K. (2018), *Can Regular Migration Channels Reduce Irregular Migration? Lessons for Europe from the United States*, Centre for Global Development, Washington DC.
- Connor P. (2018), *The most Common Mediterranean Migration Paths into Europe have changed since 2009*, Pew Research Centre, <https://www.pewresearch.org/fact-tank.2018/09/18/the-most-common-mediterranean-migration-paths-into-europe-have-changed-since-2009/>, 25.08.2021.
- Cummings C., Pacitto J., Lauro D., Foresti M. (2015), *Why People Move: Understanding the Drivers and Trends of Migration to Europe*, Overseas Development Institute, Working Paper 430.
- Commission of the European Communities (2006), *Communication from the Commission to the Council and the European Parliament, the Global Approach to Migration one year on: Towards a Comprehensive European Migration Policy*, Brussels, 30.11, COM, 735 Final, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52006DC0735>, 9.07.2022.
- Czaika M., De Haas H. (2013), *The Effectiveness of Immigration Policies*, "Population and Development Review", vol. 39.
- Czaika M., Hobolth M. (2014), *Deflection into Irregularity?*, IMI Working Paper.
- de Bruycker P., Chetail V., Maiani F. (2016), *Reforming the Common European Asylum System: The New European Refugee Law*, Martnus Nijhoff Publishers.

- Düvell F. (2014), *Transit Migration in the European Migration Spaces: Politics, Determinants and Dynamics*, in: *Transit Migration in Europe*, eds. F. C. Düvell, Amsterdam University Press, Amsterdam.
- European Asylum Support Office (2016), *An Introduction to the Common European Asylum System for Courts and Tribunals: A Judicial Analysis*, European Asylum Support Office, <https://euaa.europa.eu/sites/default/files/public/BZ0216138ENN.PDF>, 6.07.2022.
- European Asylum Support Office (2020, May 7), *EASO Special Report: Asylum Trends and COVID-19*, European Asylum Support Office, <https://euaa.europa.eu/sites/default/files/easo-special-report-asylum-covid.pdf>, 5.09.2021.
- European Asylum Support Office (2020), *Asylum Trends and COVID-19 EASO Special Report*, Issue 2.
- European Commission (2015a), *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. A European Agenda on Migration*, Brussels, 13.5 COM, 240 Final, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52015DC0240>, 10.02.2022.
- European Commission (2015), *Communication from the Commission to the European Parliament and to the Council, EU Action Plan on Return*, Brussels, 9.9. COM, 453 Final, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52015DC0453>, 28.06.2022..
- European Commission (2017), *Establishing a Common Return Handbook to be used by Member States' Competent Authorities when Carrying out Return Related Tasks*, Brussels, 27.9. COM, 6505 Final, https://home-affairs.ec.europa.eu/system/files/2020-09/20170927_recommandation_on_establishing_a_common_return_handbook_annex_en.pdf, 10.5.2021.
- European Commission (2018), *Proposal for a Directive of the European Parliament and of the Council on Common Standards and Procedures in Member States for Returning Illegally Staying Third-Country Nationals (Recast)*, Brussels, 12.9 COM, 634 Final, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52018PC0634&rid=2>, 8.03.2022.
- European Council (2008), *Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on Common Standards and Procedures in Member States for Returning Illegally Staying Third-Country Nationals*, Official Journal of the European Union, <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:en:PDF>, 10.05.2022.
- European Council (2011), *Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on Standards for the Qualification of Third-Country Nationals or Stateless Persons as Beneficiaries of International Protection, for a Uniform Status for Refugees or for Persons Eligible for Subsidiary Protection, and for the Content of the Protection Granted (recast)*, Official Journal of the European Union, <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:337:0009:0026:en:PDF>, 8.05.2021.
- European Migration Network (2015), *Incentives to Return to a Third Country and Support Provided to Migrants for their Reintegration*, Information Overview, https://www.emnbelgium.be/sites/default/files/publications/emn_reg_inform-in-cash_in-kind_assistance_final_5jan2015_0.pdf, 20.09.2021.
- European Union (2008), *Directive 2008/115/EC of the European Parliament and of the Council*, Official Journal of the European Union.
- Frontex (2017), *The Africa-Frontex Intelligence Community Joint Report 2017*, Risk Analysis Unit, Reference No. 2224/2018, Warsaw, Poland, https://www.frontex.europa.eu/assets/Publications/Risk_Analysis/AFIC/AFIC_2017.pdf, 22.6.2021.
- Frontex (2018), *Risk Analysis for 2018*, Risk Analysis Unit, Frontex Reference No. 2671/2018, Warsaw, Poland, https://www.frontex.europa.eu/assets/Publications/Risk_Analysis/Risk_Analysis/Risk_Analysis_for_2018.pdf, 21.09.2021.
- Hernandez-Coss R., Egwuagu C. B. (2007), *The UK–Nigeria Remittance Corridor: Challenges of Embracing Formal Transfer Systems in a Dual Financial Environment*, World Bank Working Paper 92.

- Human Rights Watch (2018), *Towards an Effective and Principled EU Migration Policy. Recommendations for Reform*, <https://www.hrw.org/news/2018/06/18/towards-an-effectiv-and-principled-eu-migration-policy/>, 19.11.2021.
- Idio E. E., Rogers W., Akadi A. P. (2015), *The Impact of International Migration on Socio- Economic Development of Nigeria*, "Global Journal of Applied Management and Social Sciences", vol. 8.
- Idrissa R. (2018), *Dialogue in Divergence the Impact of EU Migration Policy on West African Integration: The Cases of Nigeria, Mali, and Niger*, Friedrich Ebert Stiftung.
- Ikuteyijo L. (2013), *Patterns and Processes of Irregular Migration among Youths in Southwest Nigeria*, PhD Thesis, Obafemi Awolowo University, Ile-Ife, Nigeria.
- International Organisation for Migration (2017, December 13), Niger – Flow Monitoring Point Statistics-Overview 2016–2017, <https://reliefweb.int/report/niger/niger-flow-monitoring-point-statistics-overview-2016-2017>, 20.08.2022.
- International Organisation for Migration (2017a), *Human Trafficking Through the Central Mediterranean Route: Data, Stories and Information Collected by the International Organisation for Migration*. Rome, International Organization for Migration – Coordination Office for the Mediterranean, <http://briguglio.asgi.it/immigrazione-e-asilo/2017/ottobre/rapp-oim-tratta-medit-centrale.pdf>, 20.5.2022..
- Ikuteyijo L. O. (2020), *Irregular Migration as Survival Strategy: Narratives from Youth in Urban Nigeria*, in: *West African Youth Challenges and Opportunity Pathways*, eds. M. L. McLean, Gender and Cultural Studies in Africa and the Diaspora.
- Jordan B., Düvell F. (2002), *Irregular Migration: The Dilemmas of Transnational Mobility*, Edward Elgar, Cheltenham, UK.
- Juncker J. C. (2018), *A Stronger and more Effective European Return Policy. State of the Union Address*, European Commission Factsheet.
- Kari U., Malasowe G., Collins O. (2018), *A Study of Illegal Migration Trends and the Pull and Push Factors in Nigeria, 2011–2017*, "World Journal of Innovative Research", vol. 5, no. 6.
- Kastner K. (2010), *Moving Relationships: Family Ties of Nigerian Migrants on their way to Europe*, "African and Black Diaspora: An International Journal", vol. 3, no. 1.
- Kazeem Y. (2018), *The Harrowing, step-by-step Story of a Migrant's Journey to Europe*. *Quartz Africa*, <https://qz.com/africa/1341221/the-harrowing-step-by-step-story-of-a-migrants-journey-to-europe>, 18.10.2021.
- Kervyn E., Shilhav R. (2017), *An Emergency for Whom? The EU Emergency Trust Fund for Africa – Migratory Routes and Development Aid in Africa*, Oxfam Briefing Note, <https://policy-practice.oxfam.org.uk/publications/an-emergency-for-whom-the-eu-emergency-trust-fund-for-africa-migratory-routes-a-620380/>, 16.11.2021.
- Kipp D., Koch A. (2018), *Looking for External Solutions: Instruments, Actors, and Strategies for European Migration Cooperation with African Countries*, in: *Profiteers of Migration? Authoritarian States in Africa and European Migration Management*, eds. A. Koch, A. Weber, I. Werenfels, SWP Research Paper 4, German Institute for International and Security Affairs.
- Kirwin M., Anderson J. (2018), *Identifying the Factors Driving West African Migration*, West African Papers, no. 17, OECD Publishing, Paris.
- Krippendorff K. (2004), *Content Analysis: An Introduction to its Methodology*, University of Pennsylvania Sage Publications.
- Koch A., Weber A., Werenfels I. (2018), *Profiteers of Migration? Authoritarian States in Africa and European Migration Management*, SWP Research Paper 4, German Institute for International and Security Affairs.
- Koser K. (2010), *Dimensions and Dynamics of Irregular Migration*, "Population, Space and Place", vol. 4, no. 2.

- Koser K., McAuliffe M. (2013), *Establishing an Evidence-Base for Future Policy Development on Irregular Migration to Australia Irregular Migration Research Program*, Irregular Migration Research Programme Occasional Paper Series.
- Kuschminder K., Andersson L., Siegel M. (2012), *Profiling Ethiopian Migration: A Comparison of Characteristics of Ethiopian Migrants to Africa, the Middle East and the North*, Centre for African Studies, University Institute of Lisbon.
- Laczko F., Singleton A., Black J. (eds.) (2017), *Fatal journeys volume 3 part 1: Improving data on missing migrants*, International Organization for Migration, <https://publications.iom.int/books/fatal-journeys-volume-3-part-1-improving-data-missing-migrants>.
- Latek M. (2019), *Interlinks between Migration and Development*, Briefing: European Parliamentary Research Service.
- Majcher I., Strik T. (2021), *Legislating without Evidence: The Recast of the EU Return Directive*, "European Journal of Migration and Law", vol. 23.
- Malakooti A. (2015), *Irregular Migration between West Africa, North Africa and the Mediterranean*, Altai Consulting.
- Mixed Migration Monitoring Mechanism Initiative (2016), *Mixed Migration in the Horn of Africa and Yemen Region*, Danish Refugee Council.
- Nwogu V. I. (2006), *Nigeria: Human Trafficking and Migration*, "Forced Migration Review", vol. 25.
- Obi-Ani P., Obi-Ani N. G., Isiani M. C. (2020), *A Historical Perspective of Nigerian Immigrants in Europe*, "Cogent Arts and Humanities", vol. 7, no. 1.
- Panizzon M. (2012), *Readmission Agreements of EU Member States: A Case for EU Subsidiarity or Dualism?*, National Centre of Competence in Research on Trade, Working Paper, 35.
- Reitano T., Adal L., Shaw M. (2014), *Smuggled Futures: The Dangerous Path of the Migrant from Africa to Europe*, Global Initiative against Transnational Organized Crime, Research Report.
- Riegert B. (2018), *Libya takes over from Italy on Rescuing Shipwrecked Migrants*, Deutsche Welle, <https://m.dw.com/en/libya-takes-over-from-italy-on-rescuing-shipwrecked-migrants/a-44546754/>, 15.09.2021.
- R1. (2021), *Interview held with the European External Action Service (EEAS), West Africa Division, Brussels, Belgium* on the 3rd of September.
- R2. (2021), *Interview held with the European Union Delegation to Nigeria and ECOWAS* on the 19th of September.
- R3. (2021), *Interview held with the programme coordinator, International Organisation for Migration-Nigeria, Abuja* on the 8th of September.
- R4. (2021), *Interview held with Frontex in Warsaw, Poland* on the 11th of October, 2021.
- R5. (2021), *Interview held with the National Agency for the Prohibition of Trafficking in Person (NAPTIP)* on 6th of September.
- R6. (2021), *Interview held with the Programme Coordinator, Idia Renaissance* on 25th of October.
- R7. (2021), *Interview held with the Nigeria Immigration Service (NIS)* on the 5th of August.
- Seefar (2021), *The Impact of COVID-19 on Migration Intentions and Human Trafficking in Benin City, Nigeria*, Issue Paper.
- Schofberger A., Rango M. (2020), *COVID-19 and Migration in West and North Africa and Across the Mediterranean*, in: *Migration in West and North Africa and Across the Mediterranean*, eds. F. Fargues, M. Rango, International Organization for Migration, Geneva.
- Seefar (2021, Match), *The Impact of COVID-19 on Migration Intentions and Human Trafficking in Benin City, Nigeria*, Seefar, <https://seefar.org/wp-content/uploads/The-Impact-of-COVID-19-on-Migration-Intentions-and-Human-Trafficking-in-Benin-City-Nigeria.pdf>, 22.8.2022.

- Slagter J. (2019), *An Informal Turn in the European Union's Migrant Returns Policy towards Sub-Saharan Africa*, Migration Policy Institute.
- Teppert T., Rossi T. (2020), *Migration in Libya Post-2016: Recently Arrived Migrants and Migrants who have been in Libya for at least one Year*, in: *Migration in West and North Africa and across the Mediterranean*, eds. F. Fargues, M. Rango, International Organization for Migration (IOM), Geneva.
- Tisdall S. (2017), *Divided Europe seeks a Long-Term Answer to a Refugee Crisis that Needs a Solution now*, "the Guardian", <https://www.theguardian.com/world/2017/jul/22/divide-deurope-refugee-crisis-italy-serbia-greece>, 6.06.2017.
- Toaldo M. P. (2015), *Libya's Migrant Smuggling Highway: Lessons for Europe*, European Council on Foreign Relations, Policy Memo.
- Trauner F., Kruse I. (2008), *EC Visa Facilitation and Readmission Agreements: Implementing a New EU Security Approach in the Neighbourhood*, Centre for European Policy Studies, Working Document no. 290.
- Uehling G. (2004), *Irregular and Illegal Migration through Ukraine*, "International Migration", vol. 42, no. 3.
- United Nations High Commissioner for Refugees (1951), *Convention and Protocol Relating to the Status of Refugees*, UNHCR, Geneva, <http://www.unhcr.org/protect/PROTECTION/3b-66c2aa10.pdf>, 27.12.2021.
- United Nations Office for the Coordination of Humanitarian Affairs (2016), *Shattered Dreams: Returning Migrants in Agadez tell their Stories*, <https://www.unocha.org/story/shattered-dreams-returning-migrants-in-agadez-tell-their-stories/>, 22.08.2021.
- Van Ballegooij W., Navarra C. (2018), *Humanitarian Visas: European Added Value Assessment Accompanying the European Parliament's Legislative own-initiative Report*, EPRS, European Parliament.
- Vollmer B. (2011), *Irregular Migration in the UK, Definitions, Pathways and Scale*, Migration Observation University, Oxford.
- Winter C. (2018), *Italy Threatens to Block Ships from EU's Mediterranean Migrant Mission*, Deutsche Welle, <https://m.dw.com/en/italy-threatens-to-block-ships-from-cus-mediterranean-migrant-mission/a-4496072/>, 10.08.2021.
- World Bank (2019), *Leveraging Economic Migration for Development: A Briefing for the World Bank Board*, Washington, DC.
- Zanker F. (2017), *The Politics of EU and African Migration on Governance: From Rhetoric to Practice*, Arnold Bergstraesser Institute Working Paper no. 5.
- Zanker F., Altrogge J., Arhin-Sam K., Jegen L. (2019), *Challenges in EU-African migration cooperation: West African perspectives on force return*, Arnold-Bergstraesser Institute, Policy Brief.

Summary

This study appraised the EU RDRAs on Nigerian irregular migrants and examined the challenges of RDRAs on Nigerian irregular migrants. The study made use of primary sources of data through in-depth interview conducted on EU delegation to Nigeria and ECOWAS, European External Action Service, Frontex, International Organisation for Migration, Idia Renaissance, Nigeria Immigration Service and the National Agency for the Prohibition of Trafficking in Persons. Findings from the study showed that two types of return directive exits; voluntary return and enforced return. Voluntary returnees are provided with Assisted Voluntary Return and Reintegration (AVRR) while enforced returnees are not provided with AVRR, and they are likely detained, escorted by the policemen through the back door and corridor of the airport

and deported to Nigeria or transit countries. Findings from the study showed the challenges of RDRAs on Nigerian irregular migrants in that, most return carried out by the EU are not in compliance with the laid down regulation as some migrants are return to countries of transit. Moreover, the conditionality attached to readmission agreements are only applicable for high-skilled migrants, a situation described as brain drain for Nigeria and brain gain for the EU. The study concluded that EU RDRAs are restrictive in nature which provide escape routes for irregular migrants in European countries, and that lack of compliance on RDRAs are the results of unlawful detention of Nigerian irregular migrants by the EU as well as torture and abuse by the security officials and traffickers, a situation that violate human rights.

Key words: European Union, Irregular Migrants, Migration, Return Directive and Readmission Agreements

Odpowiedź Unii Europejskiej w sprawie dyrektywy powrotowej i umów o readmisji (RDRA) dotyczących nielegalnych migrantów z Nigerii

Streszczenie

W niniejszym artykule dokonano oceny unijnej dyrektywy powrotowej i umowy o readmisji (RDRA) oraz wskazano wyzwania z nimi związane w kontekście nigeryjskich nielegalnych migrantów. W badaniu wykorzystano pierwotne źródła danych, jak pogłębione wywiady przeprowadzone z delegacją UE w Nigerii i ECOWAS, Europejską Służbą Działań Zewnętrznych, Frontexem, Międzynarodową Organizacją ds. Migracji, Idia Renaissance, Służbą Imigracyjną Nigerii i Krajową Agencją ds. Zakazu Handlu Ludźmi. Wyniki badania wykazały, że istnieją dwa rodzaje powrotów: powrót dobrowolny i powrót przymusowy. Osoby powracające dobrowolnie otrzymują pomoc w powrocie i reintegracji (AVRR), podczas gdy osoby powracające przymusowo nie otrzymują takiej pomocy, przeważnie są zatrzymywane, eskortowane przez policjantów na lotnisko i deportowane do Nigerii lub krajów tranzytowych. Badanie wyszczególniło również wyzwania związane z implementowaniem RDRA wobec nigeryjskich migrantów o nieregulowanym statusie, ponieważ większość powrotów przeprowadzanych przez UE nie jest zgodna z ustanowionymi przepisami, gdyż niektórzy migranci są odsyłani do krajów tranzytowych. Co więcej, warunki związane z umowami o readmisji mają zastosowanie tylko do wysoko wykwalifikowanych migrantów, co jest określane jako “drenaż mózgow” dla Nigerii i “pozyskiwanie mózgow” dla UE. W badaniu stwierdzono, że unijne przepisy RDRA mają restrykcyjny charakter, co skutkuje powstawaniem dróg ucieczki dla nielegalnych migrantów w Europie, a brak zgodności z przepisami RDRA jest wynikiem bezprawnego przetrzymywania nigeryjskich nielegalnych migrantów przez UE, a także tortur i nadużyć ze strony funkcjonariuszy bezpieczeństwa i handlarzy ludźmi, co stanowi naruszenie praw człowieka.

Słowa kluczowe: Unia Europejska, nielegalni migranci, migracja, dyrektywa powrotowa i umowy o readmisji

